



RECOMMENDATION TO THE HISTORIC REVIEW BOARD

Recommendation: Approved with Conditions

Permit Type: Historic Property Alteration, New Construction, Moving, Demolition

File No. Z0133-21-D

Proposal: New Construction of a Single Family Residence.

Meeting Date: May 13, 2021

Presented By: Anthony Riederer, Sr. Planner, Ariederer@clackamas.us

Assessor's Map & Tax Lot(s): 33E02 01802

Site Address: 18829 S Springwater Road

Applicant: Tom Orth

Owner of Property: Monica Dedonato, Trustee

Zoning: EFU/HL

Community Planning Organization (CPO) for Area:

Redland – Fischers Mill - Viola

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact the Community Involvement Office at 503-655-8552.

OPPORTUNITY TO REVIEW THE RECORD: The submitted application is available for review online at <https://accela.clackamas.us/citizenaccess/>. Select the Planning tab and enter the file number to search. Select Record Info and then select Attachments from the dropdown list, where you will find the submitted application. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this decision. Copies of all documents may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents.

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 401, 707 and 1307.

PUBLIC AND AGENCY COMMENTS:

Notice was sent to applicable agencies and owners of property within 300 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. Comments from the following were received: No comments were received.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

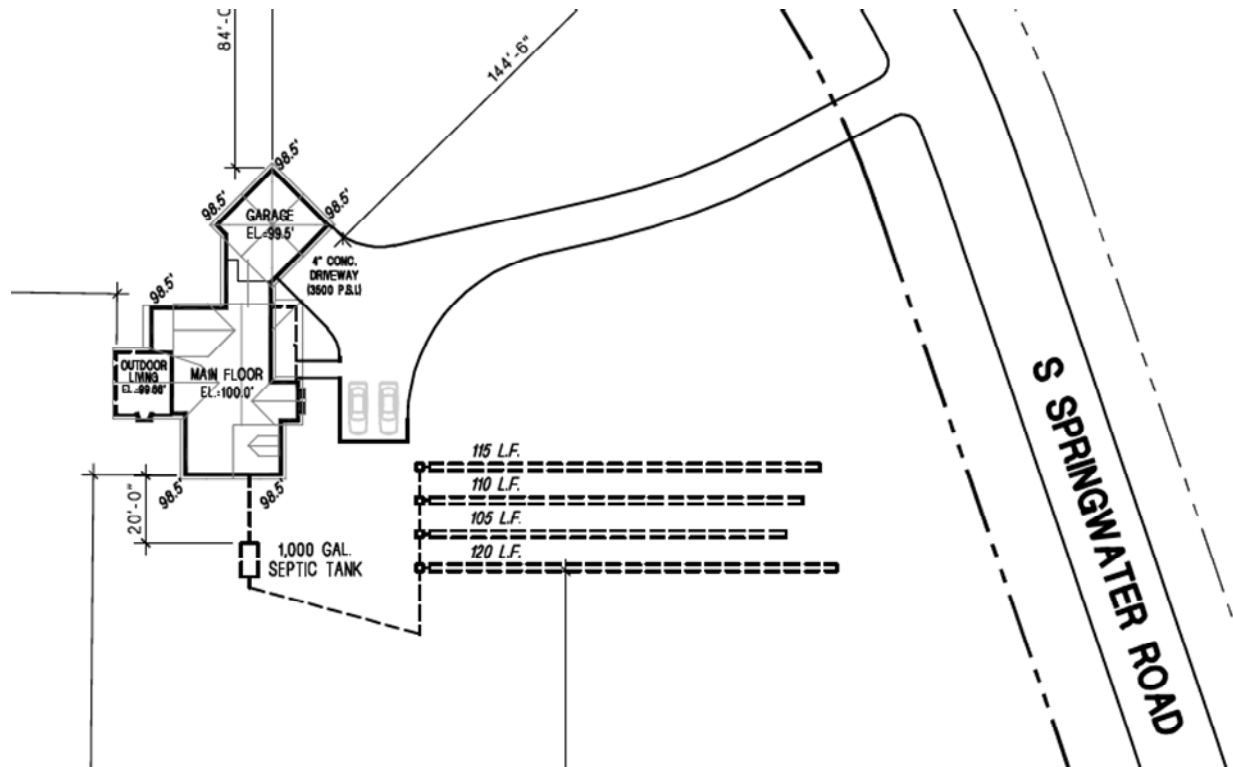
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? 翻
译或口译 ? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Location Map



Site Plan



Project Drawings



RIGHT AND FRONT ELEVATIONS



LEFT AND REAR ELEVATIONS

CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on March 22, 2021. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the decision described herein.

FINDINGS

The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. PROJECT OVERVIEW:

This property is known within the Clackamas County's inventory of designated sites as the Emma M. Hawley House, originally designated in the early 1990s. The historic home on the site was destroyed in the wildfires in the summer of 2020. Despite the fact that there is no longer a historic home on the site, the site continues to have the historic overlay zoning in place.

The applicants are seeking to rebuild a new house on this site to replace the home that was lost. The proposed home has several features that echo the historic home that was previously on the site.

It's important to note that there is no obligation in the ordinance for the replacement of a lost historic structure to be a faithful 'recreation' of the structure lost. Indeed, these types of 'recreations' can create the impression of a historic resource when, in fact, none exists.

Given the loss of the historic resource on this site, it is a strong candidate to have the protection of the historic preservation overlay zoning removed, through a future application and land use process.

2. ZDO SECTION 707.06(C)(4) & (5) – NEW CONSTRUCTION AND MAXIMUM BUILDING FLOOR SPACE:

Applications for proposed new construction on a Historic Landmark site, or within a Historic District or Historic Corridor shall be reviewed as Type II applications pursuant to Section 1307. Approval of an application shall be subject to the following criteria:

- a. The design of the proposed structure is compatible with the design of the landmark building(s) on the site or in the district or corridor considering scale, style, height, and architectural detail, materials, and colors.

Finding: There are building elements on the proposed home (roof pitch, asymmetric plan, etc.) that reflect the character of the historic home that was on the site. That being said there is no historic home on the site to be compatible with, and there is no affirmative obligation to re-create the historic house. The standard is met.

- b. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the district or corridor, considering setbacks, distances between structures, location of entrances, and similar siting considerations.

Finding: The proposed home is approximately the same location as the destroyed house. This placement, at the end of a long driveway, with a generous setback

from the road. Though setbacks vary along Springwater Road, this site design is common among properties in this area of the county and era of original development. The standard is met,

- c. Changes to yard areas including planters, fences, ponds, walkways and landscape materials should be compatible with the overall historic setting.

Finding: Many of the noteworthy landscape features of the site noted in the historic inventory materials – mature trees and ornamental plantings – have surely been damaged by the same wildfire which claimed the house. To the extent they remain on site, they should be retained. Staff anticipates that the owner would seek to reinstate the yard areas to the extent possible, given the new plan for the home on the site. This standard is met.

- d. Scale of commercial use: Individual permitted uses shall be of a scale appropriate to serve properties surrounding the historic overlay.

Finding: No commercial use is being proposed. This standard does not apply.

Maximum Building Floor Space: Commercial uses approved pursuant to Subsection 707.04(B)(2) are subject to the following standards:

- a. In an unincorporated community other than Government Camp, the maximum building floor space per commercial use shall be 4,000 square feet except that no maximum applies to uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- b. In Government Camp, the maximum building floor space per commercial use shall be 8,000 square feet except that no maximum applies to uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area
- c. Outside both an unincorporated community and an urban growth boundary, the maximum building floor area per commercial use shall be 3,000 square feet. However, a lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

Finding: The site is not put to a commercial use. These standards do not apply.

SUMMARY RECCOMENDATION: The above analysis of the proposal demonstrates that, subject to conditions, the proposed single family home complies with the evaluation criteria for new construction on a historic property. Staff recommends that the proposal is approved as submitted, with the modifications and conditions proposed.

ADVISORY NOTES

Advisory notes are not a part of the recommendation on this land use permit. The items listed below are not recommended conditions of land use approval and would not be subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments in order to complete your proposed development.

1. All construction shall comply with current Oregon Structural Specialty Code and any other relevant codes. All required building permits shall be obtained and received before final occupancy approval.
2. All applicable development permits (grading and erosion control, etc.) shall be obtained prior to any construction.